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UNCLAS SECTION 01 OF 02 SAN SALVADOR 003283

SIPDIS

DEPT FOR CA/FPP, CA/VO/I, WHA/CEN for Paul Degler

E.O. 12958: N/A

TAGS: [CVIS](#) [KFRD](#) [PREL](#) [SNAR](#) [PTER](#) [KCRM](#) [SOCI](#) [KHLs](#) [PINS](#) [ES](#) [GANGS](#)

SUBJECT: SECURING US BORDERS AGAINST SALVADORAN GANGS:
THE INITIAL SUCCESS OF INA 212(a)(3)(A)(ii)

REF: A) SAN SALVADOR 2942, B) SAN SALVADOR 2718,
C) STATE 109415

1. SUMMARY: Travel to the United States is now more difficult for members of Salvadoran-based gangs. Since June 2005, when the Departments of State and Homeland Security agreed that INA 212(a)(3)(A)(ii) renders members of Salvadoran street gangs ineligible for a visa, Post successfully used this finding to prevent gang members from legally immigrating to the United States, facilitated the arrest and deportation of a gang member illegally present in the U.S., and expedited the deportation of another gang member attempting to illegally enter the United States. Responsible use of the more explicitly gang-related ineligibility combined with increased cooperation between the United States and other countries affected by gang violence has the potential to further enhance U.S. border security. End Summary.

Focusing on Gangs

2. Since June 2005, when INA section 212(a)(3)(A)(ii) began to apply to active members of organized Salvadoran street gangs, Post has entered circa 5,000 suspected gang members into CLASS (P hits). Much of Post's information came from lists provided by El Salvador's National Civil Police (PNC) and the FBI. The Department's Consular Systems Division (CA/EX/CSD) assistance was critical to Post's ability to enter quickly this volume of data. Further, Post is aware that DHS in the U.S. has increased CLASS entries of MS-13 members in the US, which contributes to the number of gang-related entries in CLASS and provides opportunity for further findings of ineligibility of gang members.

3. Speedy entry of the names proved important as the INA ineligibility enabled Post to deny an immigrant visa to one applicant and to work with DHS to affect the deportation of another IV applicant who entered the U.S. illegally. (REFTEL B) Post hopes that these entries - whether done by Consular or by DHS in the US - will result in additional findings of ineligibility not just in El Salvador, but in other posts and at POEs.

The Most Recent Success -- Detection at the Border

4. In October, a DHS officer stopped an undocumented alien attempting to illegally enter the U.S. near Brownsville, Texas. During routine namechecks, the DHS agent discovered the Post-entered P3A2 hit. Not knowing the meaning of the hit, the DHS officer contacted Post for clarification and more information. Based on this call, Post obtained additional case information from El Salvador's Anti-Gang Task Force and forwarded the subject's previous criminal history for DHS to present to the immigration judge hearing the subject's case. Instead of releasing the undocumented alien pending an immigration court hearing, because of this information the judge ordered the subject detained until deported. Post expects this suspect gang member to be back in El Salvador within a few days.

5. Post believes additional technologies can improve upon current success. One technology already available at our fingertips is biometrics.

Why Use Biometrics to Tackle Salvadoran Gang Travel?

6. El Salvador employs a USAID-sponsored biometric technology as part of the Salvadoran national identity card. This ID card, issued to all Salvadorans 18 and older, includes biometrics which are compatible with IDENT software. Because of this link, Post is actively pursuing methods to increase the ability of the GOES to take the biometric prints of gang members and share this information with U.S. authorities. If cooperation expands, neither visa applicants nor detainees will be able to hide their gang associations behind false identities. Consular officers and law enforcement officials alike will gain a reliable

additional tool for combating gangs and protecting U.S. borders. Our ability to track and combat the international movement of Salvadoran gang members will assume greater importance if, as some observers anticipate, the gangs attempt to expand their sources of revenue and influence through transnational alien smuggling and narcotics trafficking.

17. To test the compatibility of GOES and USG software, Post recently facilitated a test enabling electronic fingerprints and other information about gang members to be rapidly shared among the PNC, El Salvador's National Civil Registry, the FBI, DHS's IDENT data base, and consular data bases. This test demonstrated that the systematic sharing of gang-related data can improve the positive identification of gang members and help prevent them from penetrating U.S. borders. (REFTEL A)

What Next?

18. In our experience, the expansion of this ineligibility to active Salvadoran gang members is a useful tool to protect our borders. But how do we make the best use of it? A few possible ideas:

In El Salvador

-- Further assist the PNC and the Salvadoran National Civil Registry to increase their capability to take electronic fingerprints of gang members.

-- Facilitate closer cooperation between the two Salvadoran agencies by outlining the methods through which U.S. national intelligence organizations, federal law enforcement agencies and local government authorities achieved more effective communications after September 11.

-- Establish procedures for the systematic or regularized sharing of gang-related information between U.S. and Salvadoran government entities.

Beyond El Salvador

-- Joint training for consular and DHS officers in the various aspects of gang identification and the application of INA ineligibilities to strengthen the ability of the two organizations to work together more effectively.

-- State Department, Consular Affairs and/or CA/FPP training in the field to increase regional knowledge of gangs.

-- Conduct an anti-gang conference in WHA/CEN area to increase cooperation and info exchange, and to streamline use of the 212 ineligibility among WHA/CEN consular sections.

COMMENTS

19. Post actively uses this new interpretation of Section 212(a)(3)(A)(ii) to fulfill our Mission goals and secure U.S. borders. Other posts may find the tool equally helpful, and Post welcomes Department or other Embassy comments or questions which may help us collectively take best advantage of this ineligibility throughout the region.

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